



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,707	04/13/2000	Christopher J. Scott Dougall	P966	6702

24394 7590 01/15/2003

LARIVIERE, GRUBMAN & PAYNE, LLP
1 LOWER RAGSDALE, BLDG. 1, SUITE 130
P.O. BOX 3140
MONTEREY, CA 93942

EXAMINER

ALAM, UZMA

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 01/15/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,707

Applicant(s)

DOUGALL, CHRISTOPHER J.
SCOTT

Examiner

Uzma Alam

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 2 and 6 the limitation, a system wherein:

said server-end means further comprises communication means for facilitating transmission of said entire digital database content via IP-Multicast, RS422, RS232, and TCP/IP type of communications links for further broadcasting via conduits selected from a group of conduits that comprise television VBI, radio subcarrier, satellite (DSS,DVB), MPEG-2, paging networks, telephone networks, local area networks, and the Internet is unclear.

The limitation of “satellite (DSS, DVB)” in parentheses does not clearly state if DSS and DVB are limitations of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2157

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al. U.S. Patent No. 6,151,636.

As per claim 1, Schuster discloses a broadcast system, said broadcast system comprising:
a server-end means for scheduling, gathering and transmitting an entire digital database content of at least one type of digital information service, said server-end means
having means for encoding said full-digital data content for being broadcasted (column 5, lines 14-40; column 6, lines 16-31; column 8, lines 1-7 and 34-44); and
a client-end means for decoding and receiving the broadcasted full-digital database content and providing the full informational content of said at least one type of digital information services (Figure 3, step 40; and column 8, lines 50-56).

As per claim 3, Shuster discloses a broadcast system as described in claim 1, wherein:

Art Unit: 2157

said means for encoding comprises a packet construction means for breaking up an original digital file into smaller digital file pieces and transmits said smaller digital file pieces as a stream of packets (column 10, lines 4-15, 27-29); and

wherein said client-end means comprises broadcast data receiving means for reassembling said stream of packets into said original file (column 2, lines 1-11, 61-68).

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Agraharam et al. U.S. Patent No 6,389,471.

As per claim 7, Agraharam discloses a method for wirelessly transmitting digital information- with existing audio/video broadcasts, said method comprising the steps of:

(a) providing a server-end means for scheduling, gathering and transmitting an entire digital database content of at least one type of digital information service, said server-end means having means for encoding said full-digital data content for being broadcasted (column 2, lines 1-6 and 41-58; column 4, lines 61-68; column 5, lines 5-15);

providing a client-end means for decoding and receiving the broadcasted full digital database content and providing the full informational content of said at least one type of digital information services (column 3, lines 21-45; column 5, lines 15-39 and 58-64);

and wirelessly transmitting said full digital database content at said client-end means for being manipulated and being used by a subscriber of said digital information services (column 3, lines 21-45; column 5, lines 15-39).

Art Unit: 2157

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. U.S. Patent No. 6,151,636. Schuster discloses a broadcast system as described in claim 1, wherein:

said server-end means further comprises communication means for facilitating transmission of said entire digital database content via IP-Multicast and TCP/IP type of communications links for further broadcasting via conduits selected from a group of conduits that comprise television VBI, radio subcarrier, satellite (DSS,DVB), MPEG-2, paging networks, telephone networks, local area networks, and the Internet (column 1, lines 59-68; column 6, lines 38-52). Schuster does not specify the use of RS232, RS422, television, radio, or MPEG-2 as communications means or links. Schuster does specify wired or wireless communication to connect the servers and the use of TCP/IP and broadcasting as means of communicating (column 6, lines 38-52). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the limitations of RS232, RS422, television, radio, or MPEG-2 as communications means or links specified in the claim fall under the teachings of Schuster of wired or wireless communication to connect the servers and the use of TCP/IP and broadcasting as means of communicating. A person of ordinary skill in the art would have been motivated to specify the limitations specified in the claims in the teachings of Schuster because communications links and communication means can take any of a variety of forms.

Art Unit: 2157

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam et al. U.S. Patent No. 6,389,471. Agraharam discloses a contents-based digital data broadcast system, said system comprising:

a first server-end application program means for retrieving a first type of digital information, and storing a entire contents of said digital information locally (column 2, lines 1-6; column 3, lines 1-5);

a first server-end application module means for encoding, transmitting scheduled services including said entire contents of said digital information, said first application module comprising means for supporting IP-Multicast and TCP/IP communications and means for broadcasting said encoded entire contents of said digital information via conduits that comprise television, VBI, radio subcarrier; satellite (DSS,DVB), MPEG-2, paging networks, telephone networks, local area networks, and the Internet (column 2, lines 41-65; column 3, lines 7-20; column 8, lines 20-21);

a second server-end application module means for scheduling tasks for external modules; facilitating centralized organization of tasks and services provided to -a client (column 2, lines 1-6);

a second server-end application program means for issuing and responding to remote commands and reporting on a status of a task to remote modules (column 2, lines 1-6; column 3, lines 40-46, and 60-63);

a first client-end application program means for decoding and receiving the full content of said broadcasted encoded digital information (column 3, lines 7-20); and

Art Unit: 2157

a second client end application program guide means for facilitating selection of which service to receive, viewing a schedule of incoming services, (column3, lines 20-46).

Agraharam does not specifically disclose RS232 or RS422 as communication means or review of- a catalog of what services have been received, said program guide means further providing a rotating information banner in the client end application. Agraharam does disclose adaptations of the distributed architecture and other configurations of transmission links are possible and that the server is linked to the client through a broadcast medium (column 2, lines 41-65). Agraharam also discloses that a multimedia broadcast is prepared and sent to the client (column 2, lines 66-67; column 3, lines 1-4). At the time the invention was made, it would have been obvious to one of ordinary skill in the art that RS232 or RS422 are types of communication means specified by Agraharam and one would have been motivated to include them because communications links and communication means can take any of a variety of forms. It would also be obvious to one of ordinary skill in the art that a review of- a catalog of what services have been received, said program guide means further providing a rotating information banner in the client end application are specific content of a multimedia broadcast which is specified by Agraharam. One would have been motivated to add this type of content in the broadcast to give the client more information about the broadcast they are receiving.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. in view of Agraharam et al.

As per claim 4, Schuster discloses a broadcast system as described in claim 1, wherein:

Art Unit: 2157

said server-end means further comprises means for retrieving an entire digital informational content of a selected electronic network site (column 8, lines 34-44 and 52-56). Schuster does not disclose storing the content. Agraharam discloses receiving and storing the content in the presentation server (column 3, lines 1-5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of storing of the content of Agraharam with the teaching of receiving and broadcasting the content of Schuster. A person of ordinary skill in the art would have been motivated to do this so that the content will be on the server to be broadcasted at any time.

As per claim 5, Schuster discloses a broadcast system as described in claim 1 (see claim 1 above). Shuster does not disclose said server-end means further comprises a means for providing a program guide of services for use by a user, said program guide facilitating means for selecting which services to receive, means for viewing the schedule of incoming services, and means for reviewing a catalog of what services have been received, said program guide means further providing a rotating information banner. Agraharam discloses a second client end application program guide means for facilitating selection of which service to receive, viewing a schedule of incoming services, (column 3, lines 20-46). Agraharam also discloses that a multimedia broadcast is prepared and sent to the client (column 2, lines 66-67; column 3, lines 1-4). It would also be obvious to one of ordinary skill in the art that a review of- a catalog of what services have been received, said program guide means further providing a rotating information banner in the client end application are specific content of a multimedia broadcast which is specified by Agraharam.

Art Unit: 2157

A person of ordinary skill in the art would have been motivated to add this type of content in the broadcast to give the client more information about the broadcast they are receiving.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam in view of Schuster.

As per claim 8, A method for wirelessly transmitting digital information, as described in claim 7, wherein said means for encoding comprises breaking down files into at least one packet of digital information:

(a) allocating memory in a data storage unit member of said server-end means (column 2, lines 1-6 and lines 35-40; column 3, lines 1-5, column 7, lines 61-68; column 8, lines 1-3).

Agraharam does not disclose (b) reading data contents of a file; (c) compressing the read file data; (d) encrypting the compressed data; (e) framing the encrypted packet; and (f) adding an end of packet (EOP) indication to said at least one packet. Schuster discloses

(b) reading data contents of a file (column 5, lines 14-26) ;

(c) compressing the read file data (column 8, lines 34-44; Figure 3);

(d) encrypting the compressed data (column 8, lines 57-64; Figure 3);

(e) framing the encrypted packet (column 1, lines 59-67; column 2, lines 1-11); and

(f) adding an end of packet (EOP) indication to said at least one packet (column 1, lines 59-67; column 2, lines 1-11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of compressing and endcoding a

Art Unit: 2157

packet of Schuster with the teaching of storing content on the server of Agraharam. A person of ordinary skill in the art would have been motivated to do this so that the content will be on the server to be broadcasted at any time.

As per claim 9, Agraharam discloses a method for wirelessly transmitting digital information, as described in claim 8 (see claims 7 and 8 above) and

(h) destroying an encoded packet after being wirelessly transmitted, said encoded packet being destroyed for purposes of freeing-up memory in the storage unit member (column 4, lines 26-32). Agraharam does not disclose wherein said method further comprises the steps of:

(g) wrapping said packet with additional information selected from wrapping options comprising a Wrap to NABTS (creates the forward error correction (FEC) bundles, fec rows and header), a Wrap to Null (no wrapper), and a Wrap to JPT (JetStream Packet Transport which are portions of a complete jetstream packet, and adds headers).

Schuster discloses (g) wrapping said packet with additional information selected from wrapping options comprising a Wrap to NABTS (creates the forward error correction (FEC) bundles, fec rows and header), a Wrap to Null (no wrapper), and a Wrap to JPT (JetStream Packet Transport which are portions of a complete jetstream packet, and adds headers) (column 10, lines 44-64; column 11, lines 24-44; column 12, lines 22-37 and lines 53-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the packetizing and wrapping of Schuster with the storing of Agraharam. A person of ordinary skill in the art would have been motivated to do this to send data over a network using different protocols.

Art Unit: 2157

Conclusion

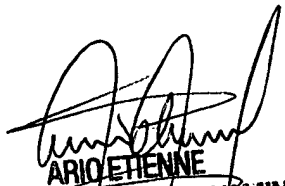
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (703) 305-8420. The examiner can normally be reached on Monday - Friday 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308 - 7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9052 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

ua

January 7, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100